

REMARKS

In response to the Office Action of October 17, 2005, claims 1 and 5, the two independent claims in the application, have been amended to better distinguish the present invention from the cited references, and in their amended form are believed to patentably distinguish the present invention from the cited references.

The claims stand rejected under 35 U.S.C. §112, first paragraph, on the basis that the subject matter of the invention is not described in sufficient detail to enable one skilled in the art to which it pertains to make and/or use the invention. This is understood as being related to the Examiner's argument that the device described in the invention is incapable of generating unbalanced forces and therefore acting as a propulsion device. Certainly the claimed device is clearly described in the application as is its manner of use. The video record of the device manufactured in accordance with the disclosure, actually in use, which is referred to later in this response should overcome this reference.

The claims all stand rejected under 35 U.S.C. §112, second paragraph, on the grounds that the term "non-reactive" is unclear. That phrase, which is unnecessary to clearly define the invention, has been deleted from claims 1 and 5, the sole independent claims of the invention.

All the claims stand rejected under 35 U.S.C. §101 on the grounds that the disclosed invention is inoperative and therefore lacks utility insofar as it pertains to Applicant's statements that the device can produce motion without reacting against an outside force and without expelling mass.

Attached hereto is a video of a prototype of the invention, constructed in accordance with the specification, and operating as a propulsive device for a boat-type device floating on a body of water. It is clear from the video that the present invention does operate to produce motion of

the boat over the water. Despite the Examiner's theoretical argument, the practical demonstration of the invention makes it clear that it meets the requirements of 35 U.S.C. §101.

It is also been noted that the references cited by the Examiner appear to fail the theoretical tests in the same manner as the present invention. The Examiner has referred to Bristow, Jr. as disclosing a "non-reactive" propulsion device which apparently suffers the same theoretical deficiencies as the present invention.

All of the claims, with the exception of claim 8, have been rejected under 35 U.S.C. §103 over Bristow, Jr., U.S. Patent 5,156,058, in view of Oades, U.S. Patent 5,890,400, either alone or with the additional reference of Claxton, U.S. Patent 5,557,988.

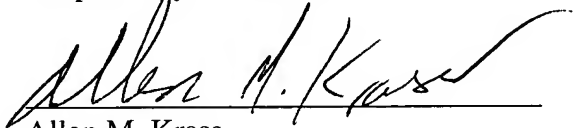
In connection with this rejection the Examiner states that Bristow, Jr. discloses a non-reactive propulsion device comprising a pair of unbalanced masses 17 rotatably supported at one end along a common axis 12 and drive means for rotating the unbalanced masses in opposing directions so that they are superimposed twice during each full revolution. Claims 1 and 5, the two independent claims in the application, have been amended to recite that the arms of the present invention are rotated continuously, through full revolutions, in opposed directions. By contrast, Bristow discloses an invention wherein the arms are reciprocated through one half of a complete circle. The mechanism for achieving this reciprocation is relatively complex. By contrast, the arms of the present invention are continuously rotated through full rotations in opposing directions. None of the cited references disclose such a mechanism. Moreover, assuming that Oades can be accurately characterized as disclosing unbalanced masses supported on the ends of radial arms rotatably supported, Oades and Bristow lack any suggestion for combining their teachings to render the claimed invention obvious. The two disclose totally different mechanisms for achieving similar goals, and there is no disclosure which would lead

one of ordinary skill in the art to take parts from one and parts from the other and join them together to achieve a third completely independent system. In the absence of teachings which would suggest combining the features of Oades and Bristow, Jr., Claxton's disclosure of particular means for providing electricity to the propulsion driving means would not render the combination obvious.

Claim 4 has apparently only been rejected on the §101 and §112 bases and clearly distinguishes from the art.

In summary, in view of the evidence of operability of the present invention provided by the videocassette attached as Exhibit A, and the amendment of the claims to distinguish from the cited references, the present application is in condition for allowance, and such action is accordingly respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Allen M. Krass", written over a horizontal line.

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